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## **PLANNING APPEALS & REVIEWS**

**Briefing Note by Chief Planning & Housing Officer**

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### **PLANNING AND BUILDING STANDARDS COMMITTEE**

**9<sup>th</sup> January 2023**

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#### **1 PURPOSE**

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

#### **2 APPEALS RECEIVED**

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

#### **3 APPEAL DECISIONS RECEIVED**

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

Nil

#### **4 APPEALS OUTSTANDING**

- 4.1 There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 21<sup>st</sup> December 2022. This relates to a site at:

- |   |   |
|---|---|
| • Land West of Slipperfield House<br>Slipperfield Loch, West Linton | • |
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## 5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 22/00032/FUL  
Proposal: Erection of Class 4 joinery workshop with associated access and parking  
Site: Land North and East of Clay Dub, Duns Road, Greenlaw  
Appellant: Marchmont Farms Ltd

Reasons for Refusal: 1. The proposal is contrary to policy PMD4 of the Local Development Plan 2016 as the site is outwith the Development Boundary for Greenlaw and the development would not constitute a logical extension to the settlement. The proposed development would prejudice the character and natural edge of Greenlaw and cause significant adverse effects on the landscape setting of the settlement and would not enhance the landscape. There are no significant community benefits of the proposal that justify development outwith the Development Boundary. 2. The proposal is contrary to policy ED7 of the Local Development Plan 2016 as it has not been substantially demonstrated that the proposal requires this particular countryside location or that the development proposed cannot be satisfactorily accommodated within allocated business and industrial site within an identified settlement boundary. The development would be visually intrusive and would not respect the amenity and character of the surrounding area. 3. The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within an agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

- 5.2 Reference: 22/00371/FUL  
Proposal: Alterations and extension to dwellinghouse  
Site: 17 George Street, Eyemouth  
Appellant: Mr and Mrs Craig Fletcher

Reasons for Refusal: 1. The proposed development does not accord with policies PMD2 (Quality Standards) and EP9 (Conservation Areas) of the Local Development Plan 2016. The proposed development, by reason of its scale, form, detailing and proportions, would not be appropriate for the existing building and would harm the special architectural and historic character and appearance of the Conservation Area. 2. The proposed development does not accord with policy HD3 (Protection of Residential Amenity) of the Local Development Plan 2016. The extension, by reason of its siting and height, would result in the loss of light to habitable rooms of neighbouring residential properties to the south and east. In addition, its height and blank walling on its south and east elevations would have an overbearing relationship and adverse visual impact upon the same neighbouring residential properties. These adverse impacts would harm the amenity of occupants in neighbouring residential properties.

- 5.3 Reference: 22/01125/FUL  
Proposal: Alterations and extensions to dwellinghouse

Site: Dove Cottage Gate Lodge Press Castle, Coldingham,  
Eyemouth  
Appellant: Mr W Hannah

Reason for Refusal: The proposed development is contrary to Local Development Plan 2016 policy EP7 (Listed Buildings) as it would not respect the original structure due to its excessive scale and poorly related design. The proposed development would not maintain the special architectural or historic quality of the building and would have a significant adverse impact on its special character and appearance.

## 6 REVIEWS DETERMINED

6.1 Reference: 21/00992/PPP  
Proposal: Erection of dwellinghouse  
Site: Plot 1, Land North of Belses Cottage, Jedburgh  
Appellant: Phen Farms

Reasons for Refusal: 1. The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. 2. The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.2 Reference: 21/00993/PPP  
Proposal: Erection of dwellinghouse  
Site: Plot 2, Land North of Belses Cottage, Jedburgh  
Appellant: Phen Farms

Reasons for Refusal: 1. The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. 2. The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.3 Reference: 21/01905/FUL  
Proposal: Erection of dwellinghouse  
Site: Garden Ground of Cheviot View, Eden Road, Gordon  
Appellant: Mr Nigel Carey

Reason for Refusal: The proposed development would fail to comply with Policy PMD2 and Policy PMD5 and the Council's Supplementary Planning Guidance 'Placemaking and Design 2010', in that the proposed dwellinghouse would be far removed from the road frontage, as it would be situated behind an existing dwellinghouse, it would be in a position set apart and not integrated with the established character or pattern of the street scene and it would have no clear relationship to neighbouring properties, their established building lines or the general street pattern. It would not respect or respond to the established character of the surrounding area and it would not positively contribute to the overall sense of place. It is therefore considered that the proposed development would be inappropriate in this context as it would result in backland development.

Method of Review: Review of Papers & Site Visit

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied)

6.4 Reference: 22/00081/FUL  
Proposal: Erection of two dwellinghouses with access and associated works  
Site: Land West of 1 The Wellnage, Station Road, Duns  
Appellant: C & V Developments

Reason for Refusal: The proposed development fails to comply with Policy EP7 of the Scottish Borders Local Development Plan 2016 in that the development would have a significant adverse impact upon the setting of The Wellnage, a category B listed building. The proposed dwellinghouses, in the location identified, would isolate The Wellnage from its historic setting and erode the relationship between The Wellnage and the public road, which forms part of its primary setting. Furthermore, the proposal would result in the loss of a further section of historic boundary wall to create a vehicular access to the application site, which would further erode the historic character, layout and integrity of the historic estate.

Method of Review: Review of Papers & Site Visit

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.5 Reference: 22/00279/FUL  
Proposal: Demolition of agricultural building, erection of dwellinghouses with ancillary accommodation  
Site: Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton  
Appellant: Mrs Louisa Gardiner

Reasons for Refusal: 1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 in that it would comprise residential development in the countryside that does not meet criteria within Policy HD2. The dwellinghouses would not be related to a building group; would not comprise the conversion of an existing building; would not replace or restore an existing or former house and; no business justification has been provided to support the requirement for dwellinghouses to replace the existing agricultural building. The development would, therefore, contribute to sporadic residential development in the countryside, to the detriment of the character of the site and surrounding area. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development. 2. The development would be contrary to policies HD2 and PMD2 of the Local Development Plan 2016 in that the proposed development is unsympathetic to the surrounding context in terms of scale and form and has not been designed in sympathy with Scottish Borders architectural styles. No overriding case for the development as proposed has been substantiated. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development. 3. The development would be contrary to policy EP1 of the Local Development Plan 2016 and Biodiversity guidance in that the applicant has failed to prove that the development will not have an adverse effect on European Protected Species which may be present on the site. Other material considerations have been accounted for but these do not outweigh the harm that would result from the development.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

6.6 Reference: 22/00296/FUL  
 Proposal: Erection of dwellinghouse  
 Site: Land North and East of Tweed Lodge, Hoebridge  
 East Road, Gattonside  
 Appellant: Mr Robin Purdie

Reasons for Refusal: 1. The proposal is contrary to policies PMD2 and EP9 of the Local Development Plan 2016 in that the scale, mass, design and materials are out of keeping with the character of the Conservation Area, the proposal would constitute overdevelopment of the site and would be prominent in the landscape and harmful to the visual amenities of the area and views into the Conservation Area. 2. The proposal is contrary to policies PMD5 and HD3 in that the proposal would have a significant detrimental impact on the residential amenities of the neighbouring property, Tweed Lodge. The scale and siting of the proposed house would result in a loss of light and outlook to the detriment of resultation amenity, leading to an overbearing and dominant form of development.

Method of Review: Review of Papers, Site Visit & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.7 Reference: 22/00297/FUL  
 Proposal: Erection of 3 no holiday pods and associated parking

Site: Land West of Burnmouth Church, Stonefalls,  
Burnmouth, Eyemouth  
Appellant: Stonefalls Development Partnership

Review against non-determination of Application.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.8 Reference: 22/00396/FUL  
Proposal: Replacement windows and door (retrospective)  
Site: Caddie Cottage, Teapot Street, Morebattle, Kelso  
Appellant: Mr Robert Muir

Reason for Refusal: The development is contrary to policy EP9 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance: Replacement Windows and Doors 2015 in so much as the development does not preserve or enhance character or appearance of Morebattle Conservation Area.

Method of Review: Review of Papers & Site Visit

Review Decision: Decision of Appointed Officer Overturned

6.9 Reference: 22/00496/FUL  
Proposal: Alterations and extension to dwellinghouse  
Site: Deanfoot Cottage, Deanfoot Road, West Linton  
Appellant: Ms Norma Gordon

Reason for Refusal: The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that the following criteria require that developments: h) create a sense of place based on a clear understanding of the context and are designed in sympathy with Scottish Borders architectural style; i) are of a scale, massing and height appropriate to the existing building; j) are finished externally in materials which complement the existing building; k) respect the character of the surrounding area and neighbouring built form. The proposed development is unsympathetic to the building which it would extend in terms of form, scale, height, massing and materials and would not complement that building. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.10 Reference: 22/00965/FUL  
Proposal: Installation of soil vent pipe to front elevation  
Site: Hillside, Duns Road, Swinton, Duns  
Appellant: Mr William Dryburgh

Reason for Refusal: The proposed development fails to comply with Policy PMD2 and Policy EP9 of the Scottish Borders Local Development Plan 2016 in that the route of the proposed soil vent pipe would adversely impact upon the character and appearance of the dwellinghouse and Swinton Conservation Area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.11 Reference: 22/01089/FUL  
Proposal: Installation of photo voltaic array to the south facing roof  
Site: Mansefield, 91 High Street, Coldstream  
Appellant: Mr Patrick Jenkins

Reason for Refusal: The proposed development fails to comply with Policy PMD2 and Policy EP9 of the Scottish Borders Local Development Plan 2016, in that the proposed siting of fifteen solar panels on a visible elevation of the dwellinghouse would have a significant visual impact on the traditional roof which would adversely impact upon the character and appearance of Coldstream Conservation Area. Furthermore, the proposal would set an undesirable precedent that could lead to the incremental erosion of the character and appearance of Coldstream Conservation Area.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

## 7 REVIEWS OUTSTANDING

- 7.1 There remained 7 reviews previously reported on which decisions were still awaited when this report was prepared on 21<sup>st</sup> December 2022. This relates to sites at:

• Land East of 16 Hendersyde Avenue, Kelso	• Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh
• Land North East of Runningburn Farm, Stichill	• Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside
• Land West of Pease Bay Holiday Home Park, Cockburnspath	• Land South West of Castleside Cottage, Selkirk
• Land South West of Corstane Farmhouse, Broughton	•

## 8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

## 9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

## 10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained one S36 PLI previously reported on which a decision was still awaited when this report was prepared on 21<sup>st</sup> December 2022. This relates to a site at:

<ul style="list-style-type: none"><li>Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick</li></ul>	<ul style="list-style-type: none"><li></li></ul>
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**Approved by**

**Ian Aikman**  
**Chief Planning & Housing Officer**

**Signature .....**

**Author(s)**

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**Background Papers:** None.  
**Previous Minute Reference:** None.

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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